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U.S. Department of State

Syria Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

SYRIA

Despite the existence of some institutions of democratic government, the political system places virtually absolute authority in the hands of the President, Hafiz Al-Asad. Key decisions regarding foreign policy, national security, internal politics, and the economy are made by President Asad with counsel from his ministers, high ranking members of the ruling Ba'th Party, and a relatively small circle of security advisers. Although the Parliament is elected every 4 years, the Ba'th Party is ensured a majority. The Parliament does not initiate laws, but only passes judgment on and sometimes modifies those proposed by the executive branch. The judiciary is constitutionally independent, but this is not the case in the exceptional (state of emergency) security courts, which are subject to political influence. The regular courts display independence, although political connections and bribery can influence verdicts. In general, all three branches of government are influenced to varying degrees by leaders of the Ba'th party, whose primacy in state institutions is mandated by the Constitution.

The powerful role of the security services in government, which extends beyond strictly security matters, stems in part from the state of emergency that has been in place almost continuously since 1963. The Government justifies martial law because of the state of war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies, while General Security, State Security, and Political Security come under the purview of the Ministry of Interior. The branches of the security services operate independently of each other and outside the legal system. Their members often ignore the rights of suspects and detainees and commit serious human rights abuses.

The economy is based on commerce, agriculture, oil production, and government services. There is a generally inefficient public sector, a private sector, and a mixed public/private sector. A complex bureaucracy, overarching security concerns, endemic corruption, currency restrictions, lack of modern financial services, and a weak legal system hamper economic growth. The Government has sought to promote the private sector through investment incentives, exchange rate consolidation, and deregulation, especially with regard to financial transactions governing imports and exports. Due to a slowdown in agricultural output and reduced revenues from oil exports, real gross domestic product (GDP) growth is about 4.6 percent, down from 6 percent in 1996. The high population growth rate of 3.1 percent means that real per capita growth is only 1.5 percent. Annual per capita GDP is about \$1200, with annual inflation hovering between 16 and 18 percent. Wage increases in the public sector have not kept pace with cost of living increases, and the gap between rich and poor continues to widen, with many public sector workers relying on second jobs to make ends meet.

The human rights situation remained poor, and the Government continues to restrict or deny fundamental rights. Because the Ba'th party's domination of the political system is provided for by the Constitution, citizens do not have the right to change the Government. The Government uses its vast powers so effectively that there is no organized political opposition and there have been very few antiregime manifestations. Serious abuses include the widespread use of torture in detention; poor prison conditions; arbitrary arrest and prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffers from corruption and, at times, political influence; infringement on citizens' privacy rights; denial of freedom of assembly and association; limits on the freedom of movement; and, despite a slight loosening of censorship restrictions, the denial of the freedoms of speech and of the press. Societal discrimination and violence against women are problems. The Government discriminates against the stateless Kurdish minority and suppresses worker rights. There were several credible reports of arrests of political activists, while more than a dozen political prisoners reportedly were released from prison.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings and no confirmed reports of deaths in detention, although such deaths have occurred in the past. Previous deaths in detention have not been investigated by the Government, and the number and identities of prisoners who died in prisons since the 1980's remains unknown.

On December 31, 1996, a bomb exploded on a private transport bus in central Damascus, killing at least 20 persons and wounding dozens of others. The perpetrators and motives for this bomb attack remain unclear.

b. Disappearance

There were no confirmed reports of politically motivated disappearances. Despite inquiries by international human rights organizations and foreign governments, the Government offered little new information on the welfare and whereabouts of persons who have been held incommunicado for years or about whom no more is known other than the approximate date of their detention (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continue to use torture. Former prisoners and detainees have reported that torture methods included electrical shocks; pulling out fingernails; the forced insertion of objects into the rectum; beatings, sometimes, while the victim is suspended from the ceiling; hyperextension of the spine; and the use of a chair that bends backwards to asphyxiate the victim or fracture the spine. Although torture may occur in prisons, torture is most likely while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are trying to extract a confession or information about an alleged crime or alleged accomplices.

The Government continues to deny the use of torture, and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. There were no reports of any prosecutions of security officials during the year, although past victims of torture have identified the officials who beat them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser.

Prison conditions vary and generally are poor and do not meet minimum international standards for health and sanitation. Facilities for political or national security prisoners are generally worse than those that house common criminals. The prison at Tadmur in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. At some prisons, authorities allow visitation rights, but in other cases security officials demand bribes from family members who wish to visit incarcerated relatives. Overcrowding and substandard or insufficient food exist at several prisons. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

The Government does not permit independent monitoring of prison or detention center conditions.

In instances in which foreign nationals are arrested, the authorities sometimes do not inform embassies and delay or deny prison visits by foreign diplomats. The authorities consider citizens who hold dual nationality to be Syrians only, and thus do not necessarily recognize or grant requests by foreign diplomats to visit or otherwise assist such persons.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Emergency Law, which authorizes the Government to conduct preventive arrests, overrides Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. Officials contend that the Emergency Law is applied only in narrowly defined cases. Nonetheless, in cases involving political or national security offenses, arrests are generally carried out in secret, and suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination for the pretrial detention. Some of these practices are prohibited by the state of emergency, but the authorities are not held to these strictures.

The Government apparently continues to detain relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender (see Section 1.f.).

Defendants in civil and criminal trials have the right to bail hearings and the possible release from detention on their own recognizance. There is no bail option for those accused of national security offenses. Unlike defendants in regular criminal and civil cases, security detainees do not have access to lawyers prior to or during questioning.

Detainees have no legal redress for false arrest. Security forces often do not provide detainees' families with information on their welfare or location while in detention. Consequently, many people who have disappeared in past years are believed to be in long-term detention without charge, or possibly to have died in such detention. The number of those who disappeared in this way probably has declined over the past few years, although this may be due to the Government's success in deterring opposition political activity rather than a loosening of criteria for detention. Many detainees brought to trial have been held incommunicado for years, and their trials often have been unfair (see Section 1.e.).

Pretrial detention may be lengthy even in cases not involving political or national security offenses. The criminal justice system is backlogged. Many criminal suspects are held in pretrial detention for months and may have their trials extended for additional months. Lengthy pretrial detentions and drawn-out court proceedings are caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining.

There were two repor